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August 15, 2013

VIA FACSIMILE (212) 805-6131

The Honorable Kevin T. Duffy
Senior United States District Court Judge
United States District Court
500 Pearl Street
New York, NY 10007

MEMO ENDORSED

Re: USA v. Nathaniel Kessman
06-Cr-01179-KTD-17

Dear Judge Duffy:

This office represents Nathaniel Kessman. There is currently a sentencing date scheduled in this matter for September 9, 2013 at 10:00am.

As you may recall, I sent a letter to your Honor on April 22, 2013 requesting that the Department of Probation set up an additional interview with Mr. Kessman to provide defense counsel, the Government and the Court with an updated Presentence Investigation Report prior to the date of sentencing. The current report was last revised on March 18, 2010. This updated information is needed for defense counsel to utilize in a Presentence Memorandum to be submitted to the Court.

On August 12, 2013 at approximately 6:00pm, my office was contacted by U.S. Probation Officer Jemard Thomas regarding an interview with Mr. Kessman. This was the first time I was contacted by Mr. Thomas since the April 22nd letter. I explained to Mr. Thomas that I will be unavailable to meet based on my holiday schedule until after Labor Day. Moreover, I further explained that defense counsel would need enough time to review a new PreSentence Report based on the fact that the current one is over 3 ½ years old.

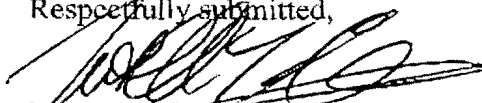
The purpose of this letter is to respectfully request that the sentencing date of September 9, 2013 be adjourned to allow enough time for all parties to review an updated, relevant PreSentence Report. I have spoken with AUSA Katherine Goldstein

The Honorable Kevin T. Duffy
August 15, 2013
Page 2

regarding this request. Ms. Goldstein has previously indicated that she will be filing a 5k letter on behalf of Mr. Kessman prior to the sentencing date.

Thank you for your consideration of this matter.

Respectfully submitted,

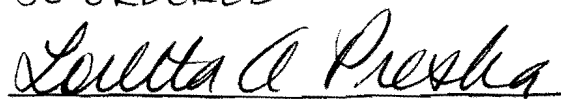

MITCHELL C. ELMAN

MCE/iv

Cc: AUSA Katherine Goldstein (Katherine.goldstein@usdoj.gov)

Application granted.

SO ORDERED:


USDJ August 16, 2013

